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Attorneys for Defendants
NATIONAL RAILROAD PASSENGER CORPORATION,
UNION PACIFIC RAILROAD COMPANY, AND
STATE OF CALIFORNIA, DEPARTMENT OF
TRANSPORTATION/CALTRANS

UNITED STATES DISTRICT COURT—
EASTERN DISTRICT OF CALIFORNIA—SACRAMENTO DIVISION

JOSHUA WARD, FONDA WARD,
Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
TRANSPORTATION/CALTRANS;
CALIFORNIA AMTRAK; STATE OF
CALIFORNIA; JACOB KEATING; COUNTY
OF SACRAMENTO; COUNTY OF YOLO;
CITY OF WEST SACRAMENTO; UNION
PACIFIC RAILROAD COMPANY, a business
organization of unknown status; and DOES 1
through 50, inclusive,
Defendants.

Case No. CIV. S-04-678 FCD PAN

**STIPULATION AND ORDER RE
MEDIATION AND CONTINUANCE OF
HEARING DATE REGARDING
MOTION FOR SUMMARY JUDGMENT**

Hearing Date: May 27, 2005
Time: 10:00 a.m.
Place: Judge Damrell's Courtroom

“AS MODIFIED”

RECITALS

Defendants National Railroad Passenger Corporation and Union Pacific Railroad Company have filed a motion for summary judgment in the above-referenced matter. The motion has been fully briefed by all parties and is set for hearing on May 27, 2005 at 10:00 a.m.

The parties have scheduled a private voluntary mediation with Steven Block for June 30, 2005.

STIPULATION

Therefore, the parties stipulate and request that the May 27, 2005 hearing on motion for summary judgment be continued to sometime to July 22, 2005 at 10:00 a.m. to permit the parties sufficient time to attempt voluntary private mediation of this matter.

Trial counsel for defendants has conflicts on the following dates with other preset trials and/or preplanned vacations: 10/23/05-10/26/05, 11/01/05-11/18/05, 11/28/05-12/09/05, 01/18/06-01/27/06. Trial counsel for plaintiffs has conflicts on the following dates with other preset trials and/or preplanned vacations:

DATED: May 18, 2005

LOMBARDI, LOPER & CONANT, LLP

By: /s/ An H. Nguyen
AN H. NGUYEN
Attorney For Defendants CalTrans/Amtrak/Union Pacific

DATED: May 17, 2005

LAW OFFICES OF ROBERT A. PIERING, ESQ.

By: /s/ Robert A. Piering
ROBERT A. PIERING
Attorneys for Plaintiffs

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ORDER

The hearing on motion for summary judgment is hereby RESET to July 22, 2005 at 10:00 a.m. in courtroom #2. The Order to Show Cause hearing set for May 27, 2005 shall remain as calendared and the parties shall file the responses to the Order as directed by May 20, 2005. The pretrial conference is hereby RESET to October 14, 2005 at 1:30 p.m. The joint pretrial statement shall be filed on or before October 7, 2005. The parties are to refer to the court's scheduling order filed August 4, 2004 as to the form and content of the statement. The jury trial is RESET February 14, 2006 at 9:00 a.m.

DATED: _May 18, 2005

By: /s/ Frank C. Damrell Jr.
HONORABLE FRANK C. DAMRELL, JR.

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